

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT KNOXVILLE

WILLIAM L.A. CHURCH v. STATE OF TENNESSEE

Appeal from the Criminal Court for Hamilton County
No. 253580 Rebecca J. Stern, Judge

No. E2005-02037-CCA-R3-HC - Filed August 9, 2006

The petitioner, William L.A. Church, petitioned the Criminal Court for Hamilton County for relief from his convictions for aggravated assault and forgery. The trial court construed the petition as one for habeas corpus relief and dismissed the petition. The state moves this court to affirm the convictions pursuant to Tennessee Court of Criminal Appeals Rule 20. The petitioner has failed to establish a cognizable claim for habeas corpus relief. We sustain the state's motion and affirm the order of dismissal.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Criminal Court Affirmed
Pursuant to Rule 20, Rules of the Court of Criminal Appeals

NORMA MCGEE OGLE, J., delivered the opinion of the court, in which JOSEPH M. TIPTON and JAMES CURWOOD WITT, JR., JJ., joined.

William A. Church, Helena, Oklahoma, Pro se.

Elizabeth B. Marney, Senior Counsel, Office of the Attorney General, for the Appellee, State of Tennessee.

MEMORANDUM OPINION

According to his petition, the petitioner was convicted pursuant to guilty pleas in the Criminal Court for Hamilton County in May 1981 for four counts of aggravated assault (case nos. 145706-09) and in November 1980 for one count of forgery (case no. 142996). The challenged judgments are not before us and no direct appeals of the convictions were taken. This court may take judicial notice, however, of the record of the petitioner's prior appeals from the denial of his petitions for post-conviction and habeas corpus relief challenging these same Hamilton County convictions. See William L. Church v. State, No. 03C01-9207-CR-00242, Hamilton County (Tenn. Crim. App. June 15, 1993), app. denied (Tenn. Oct. 4, 1993) (affirming the judgment denying consolidated petitions for post-conviction relief following an evidentiary hearing); Church v. State, 987 S.W.2d 855 (Tenn. Crim. App. 1998), app. denied (Tenn. Jan. 4, 1999) (affirming dismissal of petitions for

post-conviction and habeas corpus relief). Attachments to his appellate brief indicate that the petitioner is presently incarcerated at a federal facility in the state of Oklahoma.

On March 14, 2005, the petitioner filed a pleading in the Criminal Court for Hamilton County that the criminal court construed as a petition for writ of habeas corpus. Therein, the petitioner claimed that he was not the person that entered into the guilty pleas in the Hamilton County cases referenced above, that he never signed any guilty pleas, and that he was not present in court when the pleas were executed. The petitioner sought to have the cases reopened and an opportunity to present “newly discovered evidence” that he was not the “William L. Church” against whom the judgments had been entered. The petitioner alternatively claimed that the sentences had been fully served yet he was still being held in custody and otherwise suffering the prejudicial effects of the convictions being “assessed” against him, thereby resulting in an illegal restraint on his liberty. In its order of dismissal, the trial court summarized the petitioner's past efforts to persuade the courts that he was involved in a case of mistaken identity. The trial court stated:

This is not the first time that the petitioner claims that he is not the defendant in cases 142996 and 145706-09. He did so in a 1995 petition for relief from the judgments and the writ of habeas corpus, number 207356. This Court dismissed the petition, and, in Church v. State, 987 S.W.2d 855, 859 (1998), the Court of Criminal Appeals, finding that the allegation that he was not the judgment defendant was inconsistent with other allegations that he had counsel and pled guilty pursuant to a plea agreement and taking judicial notice of his admissions in prior collateral attacks on the judgments that the guilty pleas were his, affirmed the dismissal on the grounds that the claims for relief from the judgments were untimely and there was no ground for issuance of the writ of habeas corpus.

In addition, in a 2003 petition for the writs of error coram nobis and habeas corpus, number 245323, the petitioner alleged or implied both that he was the defendant in cases 142996 and 145706-09 and was acquitted in those cases and that he is not William L. Church, the person who was convicted in those cases. Finding that there was no clerical error in the judgment forms, which were consistent with the plea agreement, that the same admissions of which the Court of Criminal Appeals took judicial notice in the earlier case precluded relief in the form of the writ of error coram nobis, and that, the confusion of the petitioner's identity with that of another person not appearing on the face of the judgments or the record of the underlying proceedings, the petition did not state a claim for the writ of habeas corpus, the Court summarily dismissed the petition. Considering the finality of the judgments, which date from 1980 and 1981, the nature of the petitioner's present claims, and the disposition of his prior similar claims, the Court treats the subject motion as a petition for the writ of habeas corpus.

The trial court found that even if the disposition of the petitioner's prior claims of mistaken identity did not bar consideration of the instant claim for habeas corpus relief, his prior admissions

of identity did. The trial court further found that although the petitioner's claim of an expired sentence was cognizable in a habeas corpus proceeding, it did not provide a ground for issuance of the writ on behalf of an out-of-state prisoner such as the petitioner.

This court concludes that the trial court properly denied habeas corpus relief both because the petitioner's claim of mistaken identity has been previously determined against him and do not establish that the convictions are void, and because the writ will not issue to an out-of-state prisoner based on a claim of an expired as opposed to a void sentence. As to the latter claim, the trial court correctly interpreted this court's decision in the petitioner's earlier case as "holding that an out-of-state resident may petition a Tennessee court for the writ of habeas corpus on the ground that a Tennessee conviction is void . . . but implicitly conceding that an out-of-state resident may not petition a Tennessee court for the writ on the ground that a sentence has expired." See Church, 987 S.W. 2d at 857-58. In sum, this court concludes that the trial court properly construed the petition as a petition for writ of habeas corpus and properly denied relief.

Upon due consideration of the pleadings, the record, and the applicable law, the court concludes that the petitioner has not established that he is entitled to habeas corpus relief. Accordingly, the state's motion is granted. The judgment of the trial court is affirmed in accordance with Rule 20, Rules of the Court of Criminal Appeals.

NORMA MCGEE OGLE, JUDGE